

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2527
Page 1-18 Section 1-2 Lines _____
Of the printed Bill
Of the Engrossed Bill

By deleting all of Section 1 and Section 2 and by inserting in lieu thereof a new Section 1 and Section 2 to read as follows:

(See Attached)

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Dennis Casey

Reading Clerk

1 "SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.508,
2 as last amended by Section 8, Chapter 430, O.S.L. 2014 (70 O.S.
3 Supp. 2015, Section 1210.508), is amended to read as follows:

4 Section 1210.508 A. 1. ~~The~~ By no later than December 31,
5 2016, the State Board of Education shall ~~develop and administer a~~
6 ~~series of criterion-referenced tests designed to indicate whether~~
7 ~~the subject matter standards, as defined by the State Board of~~
8 ~~Education, which Oklahoma public school students are expected to~~
9 ~~have attained have been achieved. The Board may develop and~~
10 ~~administer any criterion-referenced test in any subject not required~~
11 ~~by federal law, contingent upon the availability of funding~~ adopt
12 rules providing for the adoption, proper implementation and
13 administration of a statewide system of student assessments in
14 compliance with the Elementary and Secondary Education Act of 1965
15 (ESEA), as reauthorized and amended by P.L. No. 114-95, also known
16 as the Every Student Succeeds Act (ESSA).

17 B. The statewide student assessment system shall include
18 assessments in English Language Arts or Reading and Mathematics each
19 year in grades three through eight and at least once in high school,
20 during the grade span of nine through twelve. In addition the
21 statewide student assessment system shall include assessments in
22 Science not less than once during each grade span of three through
23 five, six through nine and ten through twelve.

24

1 C. 1. The statewide student assessment system shall be based
2 on the Oklahoma Academic Standards as adopted by the Board and which
3 prepare students for college and careers.

4 2. Beginning with the 2016-2017 school year, the statewide
5 student assessment system shall assess the mastery level of the
6 Oklahoma Academic Standards in English Language Arts and Mathematics
7 of students in grades three through eight and in Science of students
8 in grade five and in grade eight. The statewide student assessment
9 system may include assessments in Reading and Writing in certain
10 grades as determined by the Board. The statewide student assessment
11 system may include assessments in other content areas including but
12 not limited to History if funding is available.

13 3. Beginning with the 2016-2017 school year, the statewide
14 student assessment system shall assess the mastery level of the
15 Oklahoma Academic Standards in English Language Arts, Mathematics
16 and Science of students at least once during the grade span of nine
17 through twelve.

18 D. The rules adopted by the Board providing for a statewide
19 system of student assessment may allow boards of education of school
20 districts to use local assessments, which are nationally recognized,
21 for students at the secondary level in place of the statewide
22 assessments, upon approval of the Board. Local assessments approved
23 by the Board and used in place of statewide student assessments
24 shall be considered statewide assessments.

1 E. Students who do not perform at least at the proficient level
2 on ~~tests~~ assessments shall be remediated, subject to the
3 availability of funding.

4 ~~2. Contingent upon the availability of state and federal funds,~~
5 ~~the Board, in accordance with federal law, shall administer~~
6 ~~criterion-referenced tests for grades three and four in:~~

- 7 a. reading, and
- 8 b. mathematics.

9 ~~3. Contingent upon the availability of funds, the Board shall~~
10 ~~administer criterion-referenced tests for grade five in:~~

- 11 a. reading,
- 12 b. mathematics,
- 13 c. science,
- 14 d. social studies, which shall consist of the history,
- 15 Constitution and government of the United States, and
- 16 geography, and
- 17 e. writing of English.

18 ~~4. Contingent upon the availability of state and federal funds,~~
19 ~~the Board, in accordance with federal law, shall administer~~
20 ~~criterion-referenced tests for grades six and seven in:~~

- 21 a. reading, and
- 22 b. mathematics.

23 ~~In addition, the Board shall administer a criterion-referenced~~
24 ~~test in geography in grade seven.~~

1 ~~5. Contingent upon the availability of funds, the Board shall~~
2 ~~administer criterion-referenced tests for grade eight in:~~

- 3 ~~a. reading,~~
- 4 ~~b. mathematics,~~
- 5 ~~c. science,~~
- 6 ~~d. social studies, which shall consist of the history,~~
7 ~~Constitution, and government of the United States, and~~
- 8 ~~e. writing of English.~~

9 ~~The Board shall administer the tests for grade eight in reading~~
10 ~~and mathematics online with raw score test results reported~~
11 ~~immediately and complete results reported in less than two (2) weeks~~
12 ~~beginning in the 2007-08 school year.~~

13 ~~6. Except as otherwise provided for in Section 1210.523 of this~~
14 ~~title, each student who completes the instruction for English II,~~
15 ~~English III, United States History, Biology I, Algebra I, Geometry,~~
16 ~~and Algebra II at the secondary level shall complete an end-of-~~
17 ~~instruction test, when implemented, to measure for attainment in the~~
18 ~~appropriate subject matter standards in order to graduate from a~~
19 ~~public high school with a standard diploma. All students shall take~~
20 ~~the tests prior to graduation, unless otherwise exempt by law. The~~
21 ~~State Board of Education shall administer the criterion-referenced~~
22 ~~tests. The Board shall develop and field test the end-of-~~
23 ~~instruction tests in English III, Geometry, and Algebra II during~~
24 ~~the 2006-07 school year, implement the tests during the 2007-08~~

1 ~~school year, and administer them each year thereafter. The Board~~
2 ~~shall administer the multiple choice portion of the end-of-~~
3 ~~instruction tests online with raw score test results reported~~
4 ~~immediately and complete results reported in less than two (2) weeks~~
5 ~~beginning in the 2008-09 school year.~~

6 ~~The end-of-instruction tests shall serve the purpose of the~~
7 ~~criterion-referenced tests as provided in paragraph 1 of this~~
8 ~~subsection. The English II and English III end-of-instruction tests~~
9 ~~shall include a writing component. Students who do not score at~~
10 ~~least at the proficient level shall be afforded the opportunity to~~
11 ~~retake each test up to three (3) times each calendar year until at~~
12 ~~least achieving at the proficient level. In order to provide an~~
13 ~~indication of the levels of competency attained by the student in a~~
14 ~~permanent record for potential future employers and institutions of~~
15 ~~higher education, for students who enter the ninth grade in or prior~~
16 ~~to the 2007-08 school year, school districts shall report the~~
17 ~~highest-achieved state test performance level on the end-of-~~
18 ~~instruction tests on the student's high school transcript.~~
19 ~~Beginning with students who enter the ninth grade in the 2008-09~~
20 ~~school year, school districts shall report the highest-achieved~~
21 ~~state test performance level on the end-of-instruction tests and any~~
22 ~~business and industry-recognized endorsements attained on the~~
23 ~~student's high school transcript. Any student at the middle school~~
24 ~~level who completes the instruction in a secondary course specified~~

1 ~~in this paragraph shall be administered the appropriate end-of-~~
2 ~~instruction test.~~

3 7. a. ~~Each school district shall administer to each student~~
4 ~~in the school district in grades three through eight~~
5 ~~an assessment designed to assess the student in the~~
6 ~~fine arts area in which the student has received~~
7 ~~instruction.~~

8 b. ~~Each school district shall prepare an annual report~~
9 ~~for approval by the State Board of Education outlining~~
10 ~~the fine arts assessment strategies used by the~~
11 ~~district, when the assessments were administered, how~~
12 ~~many students were assessed during the previous year,~~
13 ~~and the results of the assessments.~~

14 B. F. 1. All ~~critierion-referenced tests~~ assessments required
15 by this section shall measure academic competencies in correlation
16 with the subject matter standards adopted by the Board pursuant to
17 Sections 11-103.6 and 11-103.6a of this title and referred to as the
18 Oklahoma Academic Standards. The State Board of Education shall
19 evaluate the subject matter standards to ensure the competencies
20 reflect high standards, are specific, well-defined, measurable,
21 challenging, and will prepare elementary students for next-grade-
22 level course work and secondary students for postsecondary studies
23 at institutions of higher education or technology center schools
24 without the need for remediation. All subject matter standards

1 shall reflect the goals as set forth in Section 11-103.6 of this
2 title and of improving the state average ACT score.

3 2. The State Department of Education shall annually evaluate
4 the results of the ~~critierion-referenced tests~~ assessments. The
5 State Board of Education shall ensure that ~~test~~ results for all
6 statewide assessments are reported to districts no later than June 1
7 of each year and are presented in a manner that yields detailed,
8 diagnostic information for the purpose of guiding instruction and
9 student remediation. As improvements are made to the ~~critierion-~~
10 ~~referenced tests~~ assessments required by this section, the Board
11 shall seek to increase the depth of knowledge assessed for each
12 subject. The State Board of Education shall seek to ensure that
13 data yielded from the ~~tests~~ assessments required in this section are
14 utilized at the school district level to prescribe reinforcement
15 and/or remediation by requiring school districts to develop and
16 implement a specific program of improvement based on the test
17 results.

18 3. ~~The State Board of Education in coordination with the Office~~
19 ~~of Educational Quality and Accountability shall review, realign, and~~
20 ~~recalibrate, as necessary, the tests in reading and mathematics in~~
21 ~~third through eighth grade and the end-of-instruction tests.~~ The
22 Commission for Educational Quality and Accountability shall
23 determine the cut scores for the performance levels on ~~the end-of-~~
24 ~~instruction tests developed pursuant to paragraph 6 of subsection A~~

1 ~~of this section~~ all statewide assessments. The Commission shall
2 conduct an ongoing review to compare the ~~end-of-instruction test~~
3 statewide assessment content and performance descriptors with those
4 of other states. Upon receipt of the review, the Commission may
5 adjust the cut scores as necessary.

6 4. The State Board of Education, for the purposes of conducting
7 reliability and validity studies, monitoring contractor adherence to
8 professionally accepted testing standards, and providing
9 recommendations for testing program improvement, shall retain the
10 services of an established, independent agency or organization that
11 is nationally recognized for its technical expertise in educational
12 testing but is not engaged in the development of aptitude or
13 achievement tests for elementary or secondary level grades. These
14 national assessment experts shall annually conduct studies of the
15 reliability and validity of the ~~end-of-instruction tests~~ statewide
16 assessments administered pursuant to this section. Validity studies
17 shall include studies of decision validity and concurrent validity.

18 ~~C. G.~~ 1. The State Board of Education shall set the ~~testing~~
19 assessment window dates for each ~~critierion-referenced test~~ required
20 ~~in paragraphs 1 through 5 of subsection A of this section for grades~~
21 ~~three through eight~~ statewide assessment so that, ~~with the exception~~
22 ~~of the writing assessments,~~ the ~~tests~~ assessments are administered
23 ~~to students no earlier than April 10 each year~~ according to
24 recommended testing protocols and so that the ~~test~~ assessment

1 results are reported back to school districts in a timely manner.
2 ~~Each criterion-referenced test required in paragraph 6 of subsection~~
3 ~~A of this section may be administered to students at a time set by~~
4 ~~the State Board of Education as near as possible to the end of the~~
5 ~~course; provided, if a school district is unable to administer the~~
6 ~~tests online to all students taking the test for the first time and~~
7 ~~all students retaking the test during the testing window time set by~~
8 ~~the Board, the Nothing in this subsection shall be construed to~~
9 ~~require a single administration of the statewide assessments or that~~
10 ~~assessments be done in a summative format.~~ A school district may
11 elect to administer any of the ~~tests~~ assessments to students
12 retaking the ~~test~~ assessment at any time not more than two (2) weeks
13 prior to the start of the ~~testing~~ assessment window time set by the
14 Board. ~~All results and reports of the criterion-referenced test~~
15 ~~series required in paragraphs 1 through 5 of subsection A of this~~
16 ~~section for grades three through eight shall be returned to each~~
17 ~~school district prior to the beginning of the next school year.~~ The
18 vendor shall provide a final electronic data file of all school
19 site, school district, and state results to the State Department of
20 Education and the Office of Educational Quality and Accountability
21 prior to September 1 of each year. The Department shall forward the
22 final data files for each school district and each school site in
23 that district to the school district. The Board shall ensure the
24 contract with the ~~testing~~ vendor includes a provision that the

1 vendor report ~~test~~ assessment results directly to the Office of
2 Educational Quality and Accountability at the same time it is
3 reported to the Board.

4 2. State, district, and site level results of all ~~tests~~
5 assessments required in this section shall be disaggregated by
6 gender, race, ethnicity, disability status, migrant status, English
7 proficiency, and status as economically disadvantaged, except that
8 such disaggregation shall not be required in a case in which the
9 number of students in a category is insufficient to yield
10 statistically reliable information or the results would reveal
11 personally identifiable information about an individual student.
12 Each school site shall notify the student's parents of the school's
13 performance levels in the Oklahoma School Testing Program as
14 reported in the Oklahoma Educational Indicators Program at the end
15 of each school year.

16 ~~D. H.~~ H. The State Board of Education shall be responsible for the
17 ~~development, field-testing, and validation of the criterion-~~
18 ~~referenced test series~~ statewide assessment system required in
19 subsection A of this section. ~~In the interest of economy the Board~~
20 ~~may participate in a multistate or multigovernmental cooperative~~
21 ~~pursuant to the requirements of The Oklahoma Central Purchasing Act,~~
22 ~~but shall not bind the state, contractually or otherwise, to the~~
23 ~~authority of any other state, organization or entity which may~~
24 ~~supersede the authority of the Board, for the purpose of adapting~~

1 ~~criterion-referenced tests, to the extent that such tests are~~
2 ~~appropriate for use in the testing program to be administered to~~
3 ~~Oklahoma students.~~

4 ~~F.~~ I. The State Board of Education shall develop, administer,
5 and incorporate as a part of the Oklahoma School Testing Program,
6 other ~~testing~~ assessment programs or procedures, including
7 appropriate accommodations for the ~~testing~~ assessment of students
8 with disabilities as required by the Individuals with Disabilities
9 Education Act (IDEA), 20 USC, Section 1400 et seq.

10 ~~F.~~ J. For purposes of developing and administering alternate
11 assessments for students with the most significant cognitive
12 disabilities, the State Board of Education shall not be subject to
13 subsections D and E of Section 11-103.6a of this title.

14 K. The State Board of Education shall develop high school
15 graduation assessment requirements which students shall meet in
16 order to graduate from a public high school with a standard diploma.
17 The assessment requirements may include the use of nationally
18 recognized assessments.

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 1210.523, as
20 last amended by Section 26, Chapter 4, O.S.L. 2014 (70 O.S. Supp.
21 2015, Section 1210.523), is amended to read as follows:

22 Section 1210.523 A. 1. Except as otherwise provided for in
23 ~~subsections D and E of this section, beginning with~~ for students
24 entering the ninth grade ~~in~~ prior to the ~~2008-2009~~ 2016-2017 school

1 year, every student shall demonstrate mastery of the state academic
2 content standards in the following subject areas in order to
3 graduate from a public high school with a standard diploma:

4 ~~1.~~ a. Algebra I~~r~~,l

5 ~~2.~~ b. English II~~r~~,l and

6 ~~3.~~ c. ~~Two~~ two of the following five:

7 ~~a.~~ (1) Algebra II,

8 ~~b.~~ (2) Biology I,

9 ~~c.~~ (3) English III,

10 ~~d.~~ (4) Geometry, and

11 ~~e.~~ (5) United States History.

12 ~~B.~~ 2. To demonstrate mastery, the student shall attain at least
13 a proficient score on the end-of-instruction criterion-referenced
14 tests administered pursuant to Section 1210.508 of this title. The
15 Board shall continue to administer the end-of-instruction criterion-
16 referenced assessments to the cohort of students who started the
17 ninth grade prior to the 2016-2017 school year until that cohort of
18 students has graduated or is no longer enrolled in a public high
19 school.

20 B. 1. Except as otherwise provided for in this section,
21 beginning with students entering the ninth grade in the 2016-2017
22 school year, every student shall demonstrate mastery of academic
23 content standards in the following subject areas in order to
24 graduate from a public high school with a standard diploma:

- 1 a. Algebra I,
2 b. English II, and
3 c. two of the following five:
4 (1) Algebra II,
5 (2) Biology I,
6 (3) English III,
7 (4) Geometry, and
8 (5) United States History.

9 2. To demonstrate mastery, the student shall attain at least a
10 proficient score on the statewide assessment administered pursuant
11 to Section 1210.508 of this title.

12 C. Notwithstanding any other provision of law, students who do
13 not attain at least a proficient score on any end-of-instruction
14 test as provided for in subsection A of this section or statewide
15 assessment as provided for in subsection B of this section shall be
16 provided remediation or intervention and the opportunity to retake
17 the ~~test~~ assessment until at least a proficient score is attained ~~on~~
18 ~~the tests of Algebra I, English II and two of the tests required in~~
19 ~~paragraph 3 of subsection A of this section or an approved~~
20 ~~alternative test.~~ Technology center schools shall be authorized to
21 provide intervention and remediation in Algebra I, Algebra II,
22 Geometry, English II, English III, United States History, and
23 Biology I to students enrolled in technology center schools, with
24 the approval of the independent school district board.

1 D. 1. Students who do not meet the requirements of subsection
2 A or subsection B of this section may graduate from a public high
3 school with a standard diploma by demonstrating mastery of ~~state~~
4 academic content standards by alternative methods as approved by the
5 State Board of Education.

6 2. The State Board of Education shall adopt rules providing for
7 necessary student exceptions and exemptions to the requirements of
8 this section. The Board shall collect data by school site and
9 district on the number of students provided and categories of
10 exceptions and exemptions granted. ~~Beginning October 1, 2012, the~~
11 The Board shall provide an annual report of this data to the
12 Governor, President Pro Tempore of the Senate and Speaker of the
13 House of Representatives.

14 3. Students who score ten percent (10%) above the cut scores
15 approved by the State Board of Education for the American College
16 Testing Program (ACT), the Scholastic Aptitude Test (SAT), ACT Plan
17 or Preliminary Scholastic Aptitude Test/National Merit Scholarship
18 Qualifying Test (PSAT/NMSQT) ~~alternate tests~~ alternative assessments
19 shall be deemed to have satisfactorily demonstrated mastery of ~~state~~
20 academic content standards in the subject areas for which
21 alternative ~~tests~~ assessments have been approved and shall be exempt
22 from taking the end-of-instruction criterion-referenced tests as
23 provided for in subsection A of this section or the statewide
24 assessments as provided for in subsection B of this section in the

1 subject areas of Algebra II, English III, Geometry or United States
2 History ~~as listed in paragraph 3 of subsection A of this section.~~

3 4. Students who have a score that is equal to or above the cut
4 scores approved by the State Board of Education for the Advanced
5 Placement course exams, ACT Workkeys job skills assessment, College-
6 Level Examination Program (CLEP) or International Baccalaureate (IB)
7 alternate ~~tests~~ assessments shall be deemed to have satisfactorily
8 demonstrated mastery of ~~state~~ academic content standards in the
9 subject areas for which ~~alternate tests~~ alternative assessments have
10 been approved and shall be exempt from taking the end-of-instruction
11 criterion-referenced tests as provided for in subsection A of this
12 section or the statewide assessments as provided for in subsection B
13 of this section in the subject areas of Algebra II, English III,
14 Geometry or United States History ~~as listed in paragraph 3 of~~
15 ~~subsection A of this section.~~

16 5. The State Board of Education shall adopt rules providing for
17 implementation of paragraphs 3 and 4 of this subsection. The rules
18 shall provide for the designation of students as proficient or
19 advanced based on the scores obtained pursuant to paragraphs 3 and 4
20 of this subsection for the purposes of calculating the grade of a
21 school as part of the accountability system developed pursuant to
22 Section 1210.545 of this title, evaluating teachers and
23 administrators as part of the Teacher and Leader Effectiveness
24

1 Evaluation System developed pursuant to Section 6-101.16 of this
2 title and for any other purpose provided for by law.

3 E. 1. The State Board of Education shall adopt rules
4 establishing an appeal process for students who have been denied a
5 standard diploma by the school district in which the student is or
6 was enrolled for failing to meet the requirements of this section.
7 A student who has been denied a standard diploma by the school
8 district in which the student is enrolled shall have thirty (30)
9 days after denial of the standard diploma in which to file a
10 petition for an appeal to the State Board of Education. The State
11 Board of ~~Education~~ shall take action on a petition for an appeal no
12 later than forty-five (45) days after receiving the petition.

13 2. The State Board of Education shall collect data by school
14 site and school district on the number of students petitioning for
15 an appeal and the number of appeals approved by the State Board of
16 ~~Education~~ pursuant to this subsection. ~~Beginning October 1, 2012,~~
17 ~~the~~ The State Board of ~~Education~~ shall provide an annual report of
18 this data to the Governor, President Pro Tempore of the Senate and
19 Speaker of the House of Representatives.

20 F. 1. Students who have individualized education programs
21 pursuant to the Individuals with Disabilities Education Act (IDEA)
22 shall have an appropriate statement on the student's individualized
23 education program requiring administration of the assessment with or
24 without accommodations or an alternate assessment. Any

1 accommodations normally employed for the assessment shall be
2 approved by the State Board of Education and be provided for in the
3 individualized education program. All documentation for each
4 student shall be on file in the school prior to administration of
5 the assessment.

6 2. Students with disabilities whose individualized education
7 program (IEP) pursuant to the Individuals with Disabilities
8 Education Act (IDEA) indicates that the student is to be assessed
9 with alternate achievement standards through the Oklahoma Alternate
10 Assessment Program (OAAP) may be eligible to graduate from a public
11 high school with a standard diploma after failing to meet the
12 requirements of subsection A or B of this section upon the
13 determination of the school district that the student meets the
14 following criteria:

15 a. obtains a written recommendation from the student's
16 teacher of record in consultation with the teacher in
17 each subject in which the student failed to meet the
18 requirements of subsection A or B of this section.
19 The recommendation shall be supported by the principal
20 and by documentation demonstrating the acquired
21 knowledge of the student by alternate measures as
22 required by the individualized education program
23 (IEP),
24

- 1 b. completes remediation opportunities to the extent
2 required by the individualized education program
3 (IEP),
- 4 c. retakes the ~~exam~~ assessment in each subject in which
5 the student failed to meet the requirements of
6 subsection A or B of this section if the
7 individualized education program (IEP) requires retake
8 opportunities,
- 9 d. maintains at least a C average or the equivalent in
10 each subject in which the student failed to meet the
11 requirements of subsection A or B of this section, and
- 12 e. meets all other graduation requirements of the school
13 district in which the student is enrolled.

14 3. The Oklahoma School for the Blind and the Oklahoma School
15 for the Deaf shall be considered local education agencies solely for
16 the purposes of purchasing, and administering assessments and
17 obtaining ~~test~~ assessment results under this section for the
18 students attending their schools.

19 4. Students identified as English language learners shall be
20 assessed in a valid and reliable manner with the state academic
21 assessments with acceptable accommodations as necessary or, to the
22 extent practicable, with alternate assessments aligned to the state
23 assessment provided by the school district in the language and form
24

1 most likely to yield accurate data of the student's knowledge of the
2 content areas.

3 G. Students who have been denied a standard diploma by the
4 school district in which the student is or was enrolled for failing
5 to meet the requirements of this section may re-enroll in the school
6 district that denied the student a standard diploma following the
7 denial of a standard diploma. The student shall be provided
8 remediation or intervention and the opportunity to retake the ~~test~~
9 assessment until at least a proficient score is attained on the ~~test~~
10 assessment or ~~tests~~ assessments necessary to obtain a standard
11 diploma. Students who re-enroll in the school district to meet the
12 graduation requirements of this section shall be exempt from the
13 hourly instructional requirements of Section 1-111 of this title and
14 the six-period enrollment requirements of Section 11-103.6 of this
15 title.

16 H. The State Board of Education shall be authorized to contract
17 with an entity to develop and advise on the implementation of a
18 communications campaign to build public understanding of and support
19 for the ~~testing~~ assessment requirements of this section."
20

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